

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

RICHARD W. FARLEY,

Petitioner,

v.

RON DAVIS, Warden, San Quentin  
State Prison

Respondent.

Case No. 16-cv-04443-PJH

**ORDER REJECTING PROPOSED  
LITIGATION SCHEDULE**

Re: Dkt. No. 57

Pursuant to the Court's February 5, 2018 Order, the parties submitted a proposed joint litigation schedule. In it, the parties propose that petitioner will file a motion for reconsideration of the denial of his motion to stay and abey the case pursuant to *Rhines v. Weber*, 544 U.S. 269 (2005), on or before April 2. See ECF Doc. No. 57. The Court hereby rejects the proposed litigation schedule.

An order denying a *Rhines* stay is an interlocutory order. *Thompson v. Frank*, 599 F.3d 1088, (9th Cir. 2010). Therefore, Local Civil Rule 7-9(a) requires that petitioner seek leave of the Court prior to noticing or filing any motion for reconsideration of such an order. Petitioner has failed to do so.

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Petitioner is hereby ORDERED to submit any motion for leave to file a motion for reconsideration within twenty-one (21) days of the filing date of this Order. If petitioner opts not to seek leave to file his motion for reconsideration, the parties shall meet and confer and submit a revised litigation schedule that contemplates the parties' responsibilities under all applicable rules within thirty (30) days of the filing date of this Order.

**IT IS SO ORDERED.**

Dated: March 15, 2018

  
PHYLLIS J. HAMILTON  
United States District Judge